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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

8 United States of America,

9 Plaintiff,

10 v.

11 Nicholas Villareal,

12 Defendant.

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15 No. CR 06-226-1-PHX-MHM  
16 ORDER OF DETENTION

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18 At a status conference with respect to the issue of detention, counsel  
19 for Defendant submitted the issue of detention because Defendant is presently  
20 subject to detention in another jurisdiction and that, as a practical matter, a  
21 detention hearing may well not be in Defendant's best interest at this time. In  
22 accordance with the Bail Reform Act, 18 U.S.C. §3142(f), I find that the  
23 information submitted at the hearing establishes by a preponderance of the  
24 evidence that the Defendant is subject to other custody and is not eligible for  
25 release at this time. Defendant shall have leave to request a detention hearing  
26 and reopen the question of detention if circumstances should change.

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28 IT IS ORDERED that the Defendant be detained pending further  
proceedings. The Defendant is committed to the custody of the Attorney General  
or his designated representative for confinement in a corrections facility separate,  
to the extent practicable, from persons awaiting or serving sentences or being  
held in custody pending appeal. The Defendant shall be afforded a reasonable  
opportunity for private consultation with defense counsel. On order of the Court

1 of the United States or on request of an attorney for the government, the person  
2 in charge of the corrections facility shall deliver the defendant to the United  
3 States Marshal for the purpose of an appearance in connection with a Court  
4 proceeding.

5 IT IS FURTHER ORDERED that should an appeal of this detention  
6 order be filed with the district court, it is counsel's responsibility to deliver a copy  
7 of the motion for review/reconsideration to Pretrial Services at least one day prior  
8 to the hearing set before the district court.

9 IT IS FURTHER ORDERED that if a release to a third party is to be  
10 considered, it is counsel's responsibility to notify Pretrial Services sufficiently in  
11 advance of the hearing before the district court to allow Pretrial Services an  
12 opportunity to interview and investigate the potential third party custodian.

13 DATED this 8<sup>th</sup> day of June, 2006.

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18 David K. Duncan  
19 United States Magistrate Judge  
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